

REMARKS

This Amendment is in response to the Office Action dated January 9, 2007. Claims 1-5 are pending and are subject to restriction and/or election requirement.

Election/Restrictions

The Examiner states,

2. The application contains claims directed to at least the following patentably distinct species:

Species I, drawn to a brightness adjusting system wherein the screen brightness is adjusted according to the display brightness in the window regardless of the software type displayed in the window (see Page 19, Lines 18-20 of the instant specification, for instance); and

Species II, drawn to a brightness adjusting system wherein the screen brightness is adjusted according to the software type displayed in the window; and wherein there is no need to find the display brightness in the window (see Page 19, Line 20 – Page 20, Line 7 of the instant specification, for instance).

The species are independent or distinct because the species do not overlap in scope, i.e., are mutually exclusive; the species are not obvious variants; and the species each have a materially different design, mode of operation, function, and effect.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species (e.g., Species I) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no pending claims appear to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant elects species 1 drawn to a brightness adjusting system wherein the screen brightness is adjusted according to the display brightness in the window regardless of the software type displayed in the window. Claims 1-5 are readable on the elected species/subspecies.

Applicant has also amended claims 1-5. No new matter has been added.

Should any unresolved issues remain, Examiner is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,
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